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No. 04-1144

IN THE
SUPREME COURT OF THE UNITED STATES

KELLY A. AYOTTE, ATTORNEY
GENERAL OF NEW HAMPSHIRE,
Petitioner

v.

PLANNED PARENTHOOD OF
NORTHERN NEW ENGLAND, et al
Respondents

ON WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MOTION TO ALLOW COUNSEL TO REPRESENT CHILDREN UNBORN AND BORN ALIVE

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MOTION TO ALLOW COUNSEL TO REPRESENT CHILDREN UNBORN AND BORN ALIVE

The Court is moved to allow counsel to represent the children being killed by *Roe v. Wade*, 410 U.S. 113(1973). Since there will be no expense to the Court, this is effectively a motion to allow retained counsel.

INTEREST OF COUNSEL

Counsel will prove that the U.S. Constitution's guarantee of life to "any person," made in its Fifth and Fourteenth Amendments, does include the unborn.

SUMMARY OF ARGUMENT

The unborn have a legal right to be represented by counsel, and to be aided by all the procedures guaranteed by the Constitution, so counsel can prove that the U.S. Constitution's guarantee of life to "any person," made in its Fifth and Fourteenth Amendments, does include the unborn.

ARGUMENT

I.

THE COURT HAS USED THE MOCK TRIALS TO EFFECT AND MAINTAIN ITS *ROE v. WADE* KILLINGS WHICH THE NUREMBERG TRIBUNAL CONDEMNED AS "NOT A JUDICIAL PROCEEDING BUT A MURDER."[1]

A. The Court Effected and Maintains Its *Roe v. Wade* Killings by Unconstitutionally Refusing to Allow Counsel to Represent the Unborn and Defend their Constitutional Right to Life.

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[1] The Court's procedures are also described in the book by Alan Ernest, *Mass Murder Is Liberty: How The United States Is Ruled by the Decree MASS MURDER IS LIBERTY* 45-53 (1998).

Counsel did not especially represent the unborn in the U.S. District Court, or at any stage in *Roe v. Wade*. An original party objected that the unborn should be represented by counsel in the U.S. Supreme Court:

> "(T)he Court should have every benefit of a complete record and the representation of a guardian ad litem for that fetal entity and for its natural right to develop to birth." Petition for Rehearing 5, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

But the Court refused to allow counsel to represent the unborn and defend their right to life under the U.S. Constitution. Thus the Court commenced its killings.

And the Court has maintained its killings by steadfastly refusing to allow counsel to represent the unborn, and defend their right to life under the Constitution.[2]

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[2] *Colautti v. Franklin*, 439 U.S. 379, motion to allow counsel for the unborn denied 437 U.S. 902; *Anders v. Floyd*, 440 U.S. 445, motion to allow counsel for the unborn denied 439 U.S. 890; *Bellotti v. Baird*, 443 U.S. 622, motion to allow counsel for the unborn denied 439 U.S. 1065; *Ashcroft v. Freiman*, affirmed 440 U.S. 941, motion to allow counsel for the unborn denied 440 U.S. 941; *United States v. Zbaraz*, 448 U.S. 358, motion to allow counsel for the unborn denied 444 U.S. 1030; *Harris v. McRae*, 448 U.S. 297, motion to allow counsel for the unborn denied 445 U.S. 941; *H.L. v. Matheson*, 450 U.S. 398, motion to allow counsel for the unborn denied 445 U.S. 959; *Simopoulos v. Virginia*, 462 U.S. 506, motion to allow counsel for the unborn denied 458 U.S. 1104; *Planned Parenthood of Kansas City v. Ashcroft*, 462 U.S. 476, motion to allow counsel for the unborn denied 458 U.S. 1104; *Akron Center for Reproductive Health v. Akron*, 462 U.S. 416, motion to allow counsel for the unborn denied 458 U.S. 1104; *Diamond v. Charles*, 476 U.S. 54, motion to allow counsel for the unborn denied 473 U.S. 932; *Thornburgh v. American College of Obstetricians*, 476 U.S. 747, motion to allow counsel for the unborn denied 473 U.S. 931; *Hartigan v. Zbaraz*, 484 U.S. 171, motion to allow counsel for the unborn denied 479 U.S. 1003; *Webster v. Reproductive Health Services*, 492 U.S. 490, motion to allow counsel for the unborn denied 489 U.S. 106; *Ohio v. Akron Center for*

The unborn have a constitutional right to be represented by counsel to defend their right to life under the U.S. Constitution.[3] Judges who willfully deny this right are guilty of

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Reproductive Health, 497 U.S. 502, motion to allow counsel for the unborn denied 493 U.S. 802; *Hodgson* v. *Minnesota*, 497 U.S. 417, motion to allow counsel for the unborn denied 492 U.S. 803; *New York* v. *Sullivan*, 500 U.S. 173, motion to allow counsel for the unborn denied 497 U.S. 1002; *Planned Parenthood of Southeastern Pennsylvania* v. *Casey*, 120 L Ed 2d 674, motion to allow counsel for the unborn denied 117 L Ed 2d 614; *National Organization for Women* v. *Scheidler*, 126 L Ed 2d 99, motion to allow counsel for the unborn denied 125 L Ed 2d 786 (1993); *Schenck* v. *Pro-Choice Network of Western New York*, 137 L Ed 2d 1 (1996), motion to allow counsel for the unborn denied 135 L Ed 2d 188 (1996); *Hill* v. *Colorado*, 147 L Ed 2d 597 (1999) motion to allow counsel to represent unborn denied 145 L Ed 2d 405 (1999); *Stenberg* v. *Carhart*, 147 L Ed 2d 743 (2000), motion to allow counsel for the unborn denied, 146 L Ed 2d 216 (2000); *Scheidler* v. *National Organization for Women*, 537 U.S. 393 (2003), motion to allow counsel for the unborn denied 536 U.S. 981.

[3] Even in civil proceedings, where crucial deprivations are threatened, such as loss of welfare, due process guarantees: (1) prior notice of the factual and legal bases; (2) the right to be represented by counsel; (3) the right to confront and cross-examine adverse evidence; and (4) the right to present evidence. *Goldberg* v. *Kelly*, 397 U.S. 254, 268-271 (1970); *In Re Gault*, 387 U.S. 1 (1967).

Will the Court claim that procedures, which could not be used to deprive a mother of welfare, could be used to exclude her from the protection of the U.S. Constitution so that she could be killed with impunity from criminal laws? This is preposterous. The Constitution would not permit any court to condemn even one single Jew to death in a criminal case, but deny any of these procedural rights. Then neither can it permit any court to condemn all Jews in the United States to death, but deny any of these procedural rights, by calling it a civil proceeding, and decreeing the lives of all Jews are not protected by the U.S. Constitution, and it is "liberty" to kill all Jews with impunity from criminal laws. Everyone is entitled to all these procedural protections before any court can decree that their life is not protected by the Constitution, and they can be killed with impunity from criminal statutes.

crime.[4] This denial makes *Roe v. Wade* void.

B. The Court Effected Its *Roe v. Wade* Killings by Unconstitutionally Refusing to Allow Any Prior Notice of the Standards, the Burdens of Proof, or the Evidence Which It Used to Infer that the Lives of the Unborn Are Not Protected by the Constitution.

The U.S. District Court in *Roe v. Wade* did not even look to see if the lives of the unborn were protected by the U.S. Constitution. This question was argued for the first time after the case reached the U.S. Supreme Court. Since the Court had never previously excluded anyone from the protection of the U.S. Constitution so they could be killed with impunity from criminal statutes, the parties had no prior notice of the factual and legal bases for such an exclusion.

In the aftermath of *Dred Scott* and the Civil War, the Fourteenth Amendment was intended to assure the people that the Court could never again convulse the nation by implying another exception to the Constitution's universal guarantee of life and liberty to "any person."[5]

But in 1973, the Court not only defied this long-standing legitimate public expectation and implied another exception to the words "any person," but it also gave the parties no prior notice of the factual and legal basis of its decision.

In particular, the Court gave the parties in *Roe v. Wade* no

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[4] *Imbler* v. *Pachtman*, 424 U.S. 409 (1976): "Even judges ... could be punished criminally for willful deprivations of constitutional rights."

[5] The history of how *Dred Scott v. Sanford*, 19 How. 393 (1857), triggered the Civil War is outlined in the *amicus curiae* brief filed herein by Legal Defense for Unborn Children at 4-6. In *Dred Scott*, the Court ruled that the words "any person" in the Fifth Amendment did not include black persons, there was a constitutional right to own a slave, and black persons could not sue in the Courts of the United States to see if they were free or slave.

prior notice of the constitutional standards, the burdens of proof, or the evidence, which the Court used to imply that the Fourteenth Amendment's express guarantee of life to "any person" did not include the unborn.

The first time the parties had notice was when *Roe v. Wade* was published, and the victims were already condemned to death. An original party objected that it lacked the prior notice needed to defend the unborn:

> (N)ot only did the Court set a new constitutional standard, but at the same moment the Court applied the standard **without giving the Appellees notice** or opportunity to present evidence with respect to the point in gestation at which such standards, if they be correct as a matter of law in the first place, should be applied. "Viability", "meaningful life" or existence, "fetal life": all presumably have medical meaning which should be subject to medical testimony before a decision of constitutional import becomes solidified in concrete. These concepts are not even necessarily the appropriate ones.[6]

But the Court refused to allow the original parties to have any prior notice. Thus the Court commenced its killings.

And the Court has maintained its killings despite repeated objections that the unborn had no prior notice in *Roe v. Wade* of the factual and legal bases needed to defend the unborn's right to life under the U.S. Constitution.[7]

The unborn have a constitutional right to prior notice of all the factual and legal bases before they can be excluded from the protection of the Constitution so they can be killed with impunity from criminal statutes.[8] Judges who willfully deny this

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[6] Petition for Rehearing 6, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973). (emphasis added).

[7] *See* cases in note 2, *supra*.

[8] *See* note 3, *supra*.

right are guilty of crime.[9] This denial makes *Roe v. Wade* void.

C. The Court Effected Its *Roe v. Wade* Killings By Using Unconstitutional Secret Proceedings To Find Evidence To Infer That The Lives Of The Unborn Are Not Protected By The Constitution.

In *Roe v. Wade*, the Court used secret evidentiary proceedings to find evidence to imply that the Constitution's express guarantee of life to "any person" did not include the unborn. The Court conducted these secret proceedings in its own back rooms. The parties were not allowed to be present. No public record was made of these secret proceedings.

The purpose of these secret proceedings was to give the Justices an opportunity to find evidence to conclude that the Constitution's guarantee of life to "any person," an express guarantee in absolute terms, did not mean what it plainly said, and to somehow imply that the unborn were excluded.

An original party objected to these secret proceedings:

> "The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are **unknown to the parties** but which apparently were **extricated from various sources by the Court's diligent research,** which facts nevertheless should be subject to refutation and counter-evidence since they form the foundation for the Court's opinion...of constitutional stages of fetal growth." Petition for Rehearing 4, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973). [emphasis added]

The first time the victims saw the evidence used against them was after *Roe v. Wade* was promulgated and they were already condemned to death. But the Court overruled the

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[9] *See* note 4, *supra*.

party's objection to its secret evidentiary proceedings. Thus the Court commenced its killings.

And the Court has maintained its killings despite repeated objections that it used secret proceedings in *Roe v. Wade*.[10]

The unborn have a constitutional right not to be excluded from the protection of the U.S. Constitution by secret evidentiary proceedings.[11] Judges who willfully deny this right are guilty of crime.[12] This denial makes *Roe v. Wade* void.

D. The Court Effected and Maintains Its *Roe v. Wade* Killings By Unconstitutionally Refusing to Allow Its False Evidence, Which It Used to Infer that the Lives of the Unborn Are Not Protected by the Constitution, to be Confronted and Cross-Examined.

Since the Court used secret evidentiary proceedings, the original parties had not seen all the evidence which the Court used to imply that the lives of the unborn are not protected by the U.S. Constitution. An original party asked permission to cross-examine the evidence which the Court used to imply that the lives of the unborn were not protected by the U.S. Constitution:

> The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are unknown to the parties but which apparently were extricated from various sources by the Court's diligent research, **which facts nevertheless should be subject to refutation and counter-evidence** since they form the foundation of the Court's opinion...of constitutional stages of fetal growth.[13]

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[10] *See* cases in note 2, *supra*.

[11] *See* note 3, *supra*.

[12] *See* note 4, *supra*.

[13] Petition for Rehearing 4, *Doe v. Bolton*, 410 U.S. 179 (1973), denied

But the Court refused to allow its evidence in *Roe v. Wade*, which it used to imply that the lives of the unborn were not protected by the U.S. Constitution, to be cross-examined. Thus the Court commenced its killings.

And despite repeated objections that the Court fabricated false evidence in *Roe v. Wade* in order to imply that the Constitution's express guarantee of life to "any person" did not include the unborn, the Court has maintained its killings by steadfastly refusing to allow its evidence to be confronted and cross-examined.[14]

The unborn have a constitutional right to confront and cross-examine the evidence which the Court used to imply that their lives are not protected by the U.S. Constitution.[15] Judges who willfully deny this right are guilty of crime.[16] This denial makes *Roe v. Wade* void.

E. The Court Effected and Maintains Its *Roe v. Wade* Killings by Unconstitutionally Refusing to Allow Evidence to Be Presented on Behalf of the Unborn to Prove that the Constitution's Guarantee of Life to "Any Person" Does Include the Unborn.

In *Roe v. Wade*, the Court invented new constitutional standards on the protection of life which the parties did not see until after *Roe v. Wade* was decided. The parties never had opportunity to present evidence under these new standards.

An original party requested "an opportunity to present evidence" under the new standards, which it had not seen before, to show that the lives of the unborn are protected by the Constitution.[17] The party said:

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410 U.S. 959 (1973). (emphasis added).

[14] *See* cases in note 2, *supra*.

[15] *See* note 3, *supra*.

[16] *See* note 4, *supra*.

[17] Petition for Rehearing at 3 - 6, 8, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

We are dealing here with a procedure long considered outlawed and which has suddenly become legal.... The Court has selected a point in time at which states may protect fetal life, without any record of facts upon which to base the conclusion that only at "viability," as that term is defined by the Court, do the people of a state have authority to demand caution before a prenatal infant is destroyed....

Appellees have had **no opportunity to show by evidence** in a traditional judicial trial setting at what gestational stage the separate life of the fetus is "meaningful" medically; in addition, the Court overlooked the significance of Georgia's legal recognition of meaningful human life as found in case law and statute....

With **no opportunity** for Appellees to demonstrate the factual basis, in terms of current medical science, that its interest attaches at a particular point in the natural development of a human fetus, the Court has seized upon the convenient point of "viability" and crystallized constitutional command which bars State action.....

In the medical concept of "life," with its current body of technological knowledge, including such advances as fetal electro-cardiography and fetal electroencephalography, legal "life" should not be cemented at an event in a judicial conclusion which does not have the benefit of medical evidence....

At any rate, Appellees **should have an opportunity to present evidence** and testimony to support the State's claim of medically and scientifically sound interest in requiring a cautious approach to the extinguishment of fetal life.[18]

But the Court refused to allow the party to present evidence to show that the lives of the unborn were protected by the U.S.

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[18] See note 17, *supra*. (emphasis added)

Constitution. Thus the Court commenced its killings.

And the Court has maintained its killings by steadfastly refusing to allow evidence to be presented on behalf of the unborn to prove that their lives are protected by the U.S. Constitution.[19]

The unborn have a constitutional right to present evidence in this case to prove that their lives are protected by the U.S. Constitution.[20] Judges who willfully deny this right are guilty of crime.[21] This denial makes *Roe v. Wade* void.

CONCLUSION ON JUDICIAL PROCEDURES

The Nuremberg Tribunal cited these judicial procedures as part of its evidence to convict Nazi judges of complicity in extermination and murder:

> In many instances they [the accused] were denied the right to introduce evidence, to be confronted by witnesses against them....They were...denied the right of counsel of their own choice....(T)he accused learned only a few moments before trial of the nature of the alleged crime for which he was to be tried. The entire proceedings from beginning to end were secret and no public record was allowed to be made of them.[22]

The Nuremberg Tribunal said, "Such a mock trial is not a judicial proceeding but a murder."[23]

The Court used procedures to effect and maintain its *Roe v. Wade* killings which were not judicial proceedings but murders.

And the Court claims it can use such mock trials to decree

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[19] *See* cases in note 2, *supra*.

[20] *See* note 3, *supra*.

[21] *See* note 4, *supra*.

[22] *United States v. Altstoetter* [The Justice Case], 3 Trials of War Criminals Before the Nuernberg Military Tribunals 1046-47 (1951).

[23] *Id.*, at 1164.

the extermination of Jews, or anyone else, to be liberty.[24]

II.
COUNSEL FOR THE UNBORN RAISES ISSUES, NOT RAISED BY THE PARTIES, WHICH DISPOSE OF ALL ISSUES IN THIS CASE.

A. The U.S. Constitution's Guarantee Of Life To "Any Person" Does Include The Unborn.

Counsel will prove that the U.S. Constitution's universal guarantee of life to "any person" does include the unborn.[25]

B. The U.S. Supreme Court and Leaders of the U.S. Government Maintain the *Roe v. Wade* Killings by Conspiring to Impose the Nazi Doctrines on the United States which the United States Itself Prosecuted as Extermination and Murder at Nuremberg.

By merely changing the names of the victims being killed, the U.S. Supreme Court has duplicated the crimes of "the supreme judge" of Nazi Germany.

At Nuremberg, the Nazi judges claimed they could not be found guilty of complicity in extermination and murder of millions of Jews and other minorities because "the supreme judge" of Nazi Germany had decreed those killings to be legal, and they were required to obey the decrees of "the supreme judge."[26]

Yet the United States prosecuted the Nazi judges and other justice officials for obeying the decrees of their supreme judge. And the Nuremberg Tribunal convicted them with the comment: "The dagger of the assassin was concealed beneath

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[24] *See* pages 11-20, *infra.*

[25] *Amicus Curiae* Brief by Legal Defense for Unborn Children at 1-7, filed herein and incorporated by reference.

[26] *United State v. Altstoetter, supra,* at 983-985, 1011, 1014.

the robe of the jurist."[27]

The record proves that the U.S. Supreme Court conspires to impose those same Nazi doctrines on America. The Court decreed killings to be "liberty" which the people had defined by their homicide statutes to be "murder."[28] The Court decreed mass murder to be legal, just as "the supreme judge" of Nazi Germany decreed mass murder to be legal. By merely changing the names of the victims, the Court has duplicated the decree of "the supreme judge" of Nazi Germany.

2.

The U.S. Supreme Court was accused in U.S. District Courts of extermination and mass murder on the grounds that Justices cannot lawfully decree extermination or murder to be legal. The U.S. Government defended its Justices by claiming that its Supreme Court must be obeyed "no matter how misguided" its decrees may appear to be. The U.S. Government expressly argued in open court that its Supreme Court must be obeyed even if it decrees the mass murder of Jews, or anyone else, to be liberty. An incredulous U.S. District Judge asked the U.S. Government:

> **[U.S. District Judge]: Let me ask you to respond to this question. The plaintiff argues in his brief that the Supreme Court in *Roe v. Wade* took a discrete group of entities and said that these entities have no right to live, and thus may be killed.... And he said if you take *Roe v. Wade* and remove the word "fetus" and just substitute most any other word you want of another discrete group, that we wouldn't be here discussing this at all. Let's say that instead of "fetus," they said**

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[27] *United States v. Altstoetter*, *supra*, at 985.

[28] *Amicus Curiae* Brief By Legal Defense for Unborn Children, *supra* note 25, at 7-16.

"Jews." That is the one he used in his brief.

Would you argue stare decisis to me if, under *Roe v. Wade*, at the whim of neighbors Jews could be put to death?

[U.S. Government Lawyer]: (I) would have to agree with the doctrine of stare decisis and advance it to the court.[29]

Thus, while children were being killed in defiance of murder statutes, the U.S. Government defended its Justices accused of mass murder by claiming the same Nazi doctrines which the United States itself prosecuted as complicity in extermination and murder at Nuremberg.

It was undisputed that the U.S. Supreme Court decreed killings to be "liberty" which legislatures had defined to be "murder." It was undisputed that the victims were being killed in defiance of murder statutes. Yet the U.S. Government expressly claimed in open court that its Supreme Court must be obeyed even if it decreed the mass murder of Jews, or anyone else, to be liberty.

Although the U.S. District Judge objected that *Roe v. Wade* was "the worst decision by the Supreme Court in the history of the Court," he adopted the U.S. Government's arguments that he must obey the U.S. Supreme Court no matter whom it decreed a liberty to kill.[30]

3.

The petition for review of that decision filed in the U.S.

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[29] *Ernest v. United States Attorney for the Eastern District of Virginia and U.S. Attorney General*, U.S. District Court in Richmond, Civ. No. 84-0858, transcript of proceedings at 21-22, cert. denied 475 U.S. 1084 (1986).

[30] Petition for Cert. at A1, *Ernest v. United States Attorney for the Eastern District of Virginia and U.S. Attorney General*, cert. denied without comment, 475 U.S. 1084 (1986).

Supreme Court accused it of mass murder:

> For the **67th time**, the U.S. Supreme Court is accused in its own court with mass murder in violation of State and federal statutes.[31]

The U.S. Government waived its right to oppose the petition for review, and thus the U.S. Supreme Court was accused in its own Court of extermination and mass murder, and the accusations were unopposed. Yet the Court neither denied that it had decreed mass murder to be liberty, nor objected to the U.S. District Court's ruling that it must obey the U.S. Supreme Court even if it decreed the mass murder of Jews, or anyone else, to be liberty.

If any Justice had believed that the U.S. Supreme Court did not have the power to decree the mass murder of Jews or anyone else to be liberty, the Justice would certainly have noted his or her objection. But no such objection was noted.

This record proves a conspiracy by the executive and judicial departments of the government of the United States to impose the Nazi doctrines on the United States which the United States itself prosecuted as complicity in extermination and murder at Nuremberg. Only the names of the victims being killed have been changed.

4.

Moreover, each Justice of the U.S. Supreme Court was named as a defendant in a civil suit, and accused in a State court of extermination and mass murder on the grounds that Justices cannot lawfully decree extermination or murder to be liberty.[32] The State court was asked to "Declare that there was probable

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[31] *Id.*, at page 50. (emphasis in text).

[32] *Ernest v. Rehnquist, Stevens, Breyer, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, etc.; U.S. Attorney, etc.; U.S. Attorney General*, et al, in the Circuit Court of Fairfax, Virginia, Civil No. 90367.

cause to believe that the U.S. Supreme Court had conspired to commit murder" in violation of the State murder law.[33] Such a ruling could have been tantamount to the start of the criminal prosecution process against the Justices for extermination and mass murder.

History had never seen a moment when it was more imperative to meet the charges, and if possible, refute them. The charges were made in court, the place designated by law to hear such charges. The courthouse is the place where anyone, including the most powerful, can be summoned, confronted with the facts, and required to adequately explain, or face the consequences.

But the Justices did not deny that they had decreed killings to be "liberty" which that State had defined to be "murder." Nor did the Justices deny that under *Roe v. Wade*, victims were being killed in defiance of the State's murder statute. Nor did the Justices deny that they had been repeatedly accused of extermination and murder in the U.S. Supreme Court, but they had never attempted to refute the charges. Nor did the Justices deny that they were seeking to impose the Nazi doctrines on the United States which the United States itself prosecuted as extermination and murder at Nuremberg. To the contrary, this would be their defense.

The U.S. Government removed the case to the U.S. District Court in Alexandria.[34] Even though accused of extermination and mass murder, the Justices did not attempt to show one single allegation in the complaint to be wrong in fact or law. The record shows the charges to be true.

Rather each Justice, through his or her U.S. Government lawyer, claimed that all lower courts must obey the U.S.

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[33] Complaint, *supra* note 32, at page 44.

[34] *Ernest v. Rehnquist, Stevens, Breyer, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, etc.; U.S. Attorney, etc.; U.S. Attorney General*, in the U.S. District Court in Alexandria, Civil No. 89-732-A.

Supreme Court even if it decreed mass murder to be liberty.[35]

And the Justices also claimed that after the U.S. Supreme Court had decreed mass murder to be liberty, the victims being killed in defiance of murder statutes could not challenge the validity of its decree in any court.[36] The U.S. District Judge adopted the Justices' claims as law by summary decree, refusing to hold any hearings, and without showing any of the allegations in the complaint to be wrong in fact or law.

Thus, in defending themselves against accusations of extermination and mass murder, each Justice of the U.S. Supreme Court claimed the power to decree the mass murder of Jews, or anyone else, to be liberty. And this claim is now accepted by the government of the United States, - its courts, its Congress and its presidents, - as the supreme law of the land. This has been the steadfast policy of the U.S. Government, asserted in court after court, for over a quarter-century.[37]

All the lower federal judges who have upheld *Roe v. Wade*, and thus this Court's claim of power to decree murder and extermination to be liberty, are accused herein of complicity in extermination and mass murder.[38]

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[35] The Justices claimed that the District Court "is prohibited by stare decisis from granting the relief requested in this action." Although a trial court was asked to find probable cause that the Justices had conspired to commit mass murder, the Justices defended themselves by claiming "a precedent of the [U.S. Supreme] Court must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be." *Ernest v. Rehnquist, supra* note 32, Government's Memorandum in Support of Motion to Dismiss at 3.

[36] *Id.*, Government's Memorandum in Support of Motion to Dismiss at 4.

[37] Some of these cases are: U.S. District Court in Alexandria, Civ. No. 89-732; U.S. District Court in Salt Lake City, Civ. No. 85-0026; U.S. District Court in Richmond, Civ. No. 84-0858; U.S. District Court in Portland, Civ. No. 81-0272.

[38] *See* Ernest, supra n. 1, at 66 n. 31 for a partial list of federal judges accused of complicity in extermination and murder.

5.

The U.S. Government, under five Presidents, has invariably maintained its position that its Supreme Court has the power to decree the mass murder of Jews or anyone else to be legal.

For example, President Clinton was informed:

> The general rule is that mistake of law is no excuse for breaking the law. The narrow exception of reasonable reliance on an official judicial opinion, thereafter found to be a mistake of law, does not even apply in homicide cases.
>
> ....
>
> If the U.S. Government's claim [that its Supreme Court has the power to decree the mass murder of Jews or anyone to be liberty and such decrees must be obeyed as the supreme law of the land] turns out to be a mistake of law, and you refuse to repudiate it while victims are actually being killed in defiance of murder statutes, then your acquiescence can implicate you in a national scheme of mass murder. This letter becomes a part of the record of this case as evidence of what you knew, and when you knew it.[39]

Although Justices were being publicly accused of mass murder, and children were being killed in defiance of murder statutes, all the Presidents since 1975 have deliberately maintained the federal Government's claims that its Supreme Court has the power to decree the mass murder of Jews or anyone else to be legal, and everyone must obey.[40]

Thus five president have contributed to this giant conspiracy to kill victims in defiance of murder statutes, and to impose the Nazi doctrines on the United States which the United States itself prosecuted as extermination and murder at Nuremberg. A jury could find that this amounts to complicity in extermination

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[39] Letter to President Clinton dated March 31, 1993, certified no. P 867-382-498, received by the White House April 9, 1993.

[40] *See* Ernest, *supra* note 1, at 74-81.

and murder.

6.

Leaders of the U.S. Congress have also aided this conspiracy.[41] Congress has the constitutional duty to control the federal judiciary. But, as federal courts conspired to decree mass murder to be liberty, to kill children in defiance of murder statutes, and to impose Nazi doctrines on the United States, Congress defied its legal duty to control the federal judiciary.

Leaders of Congress, by acts of commission or omission, helped to maintain the *Roe v. Wade* killings.[42] But for these acts of commission or omission by members of Congress, Nazi doctrines could not have been imposed on America, and the killings could not have proceeded.

Since children are being killed in defiance of murder statutes and others criminal laws, because leaders of Congress refuse to do their constitutional and statutory duty to control the federal judiciary, a jury could find that those leaders of Congress are guilty of complicity in extermination and murder.

7.

A U.S. courthouse has become a place where officials conspire to commit extermination and murder, fabricate false

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[41] The Complaint, *supra* note 32, at p. 3, alleged that various members of the committees on the Judiciary, whose particular duty was to control the courts, were a part of the conspiracy: "The co-conspirators include ex-Chairman Peter Rodino, Chairman Rep. Jack Brooks, sub-committee chairman Rep. Don Edwards, sub-committee chairman Rep. Robert Kastenmeier; Chairman Sen. Joseph Biden, ex-Chairman Sen. Edward Kennedy. A jury could find this conspiracy to be murder." *See also* Ernest, *supra* note 1, at 82-103.

[42] When the U.S. Congress held hearings on *Roe v. Wade*, it conspired to allow all the false evidence in *Roe v. Wade* to be presented, but refused to allow the rebuttal to be presented. Thus Congress conspired to present false evidence to the nation as if it were the truth. And many leaders of Congress have publicly endorsed the *Roe v. Wade* killings. *See also* Ernest, *supra note* 1, at 82-103.

evidence to make their killings appear legal, and then maintain their killings decade after decade by conspiring to overthrow the U.S. Constitution.

8.

The evidence shows that federal judicial, executive and legislative officials have:

1. Conspired to claim the power to decree the extermination and murder of Jews, or anyone else, to be legal;

2. Conspired to kill victims in violation of criminal statutes, and, indeed, did actually kill tens of millions of innocent children in defiance of positive criminal statutes; and,

3. Conspired to maintain their killings by supplanting the U.S. Constitution as the supreme law of the land and imposing the Nazi doctrines on the United States which the United States itself prosecuted as extermination and murder at Nuremberg.

The human mind can neither imagine a plainer or bolder case of officials committing treason to the U.S. Constitution, nor find a more catastrophic crime in all the records of civilization. It teaches future generations that government is nothing more than the question of which mass murder can grab the power, issue the orders, and be blindly obeyed.

In 1858 an unknown lawyer named Abraham Lincoln accused the U.S. Supreme Court, two U.S. Presidents, and leaders of the U.S. Congress of conspiring to overthrow the U.S. Constitution, and to impose a slave empire on America.

In 1998 a book set out the evidence presented in this application, and asked:

Has the U.S. Supreme Court committed mass murder?
Have four U.S. Presidents committed mass murder?

Have leaders of the U.S. Congress committed mass murder?

These questions are now before the public, and counsel submits that the search for truth will surely continue until these questions are correctly answered.

CONCLUSION

The Court is moved to allow counsel Alan Ernest to represent the unborn and defend their right to life under the U.S. Constitution, and to prove that the Constitution's guarantee of life to "any person," as used in the Fifth and Fourteenth Amendments, does include the unborn. Both the State and federal governments have a duty to protect unborn life.

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